

REMARKS

Claims 62-122 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The rejected claims are accordingly amended, by the above claim amendments, and the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections. The entered claim amendments are directed solely at overcoming the raised indefiniteness rejection(s) and are not directed at distinguishing the present invention from the art of record in this case.

Next, claims 62-122 are rejected, under 35 U.S.C. § 102(b), as being anticipated by Beim '924. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

Beim '924 relates to an automatic transmission with a hydrokinetic torque converter and three planetary gear sets 32, 34, and 36. Selective engagement and disengagement of various shifting elements facilitates the shifting of gears in the transmission. However, according to Beim '924, there are a total of *eight (8) shifting elements* including four (4) brakes (B1, B2, B3, and B4) each fixed to the transmission housing GG and four (4) clutches (CL1, CL2, CL3, and CL4). Despite the large number of shifting elements, it is only possible to achieve a *total of five (5) forward gears*.

The presently claimed invention relates to an entirely different automatic transmission, both structurally and functionally. In particular, the presently claimed invention relates to an automatic transmission having *only five (5) shifting elements*, including three (3) brakes (C, D, and A) permanently fixed to the housing--instead of the four fixed shifting elements as specifically disclosed by Beim '924--and two (2) clutches (B and E)--instead of the four (4) clutch elements (CL1, CL2, CL3 and CL4) as specifically disclosed by Beim '924.

Perhaps most importantly, the presently claimed invention allows for shifting between *six forward gears and one reverse gear*, not five forward gears as with the cited prior art. The Applicant respectfully submits that this distinction is now specifically recited in claim 62 and all of the associated dependent claims. That is, claim 62 is now amended to specifically recite "only first, second, third, fourth and fifth shifting elements (A to E) and selective engagement of desired ones of the first, the second, the third, the fourth and the fifth shifting elements (A to E) achieves at least six forward gears and at least one reverse gear. . .". The Applicant respectfully submits that such amendment to claim 62, as well as the above noted differences, adequately distinguish the presently claimed invention from the cited prior art. Accordingly, the Applicant respectfully requests withdrawal of the raised anticipation rejection in view of Beim '924.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Beim '924 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

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In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Michael J. Bujold, Reg. No. 32,018
Customer No. 020210
Davis & Bujold, P.L.L.C.
112 Pleasant Street
Concord, NH 03301-2931
Telephone 603-226-7490
Facsimile 603-226-7499
E-mail: patent@davisandbujold.com